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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,083	09/17/2003	H. Dean Goodson	20512.069	3732
42922	7590	07/05/2006		
WHITAKER, CHALK, SWINDLE & SAWYER, LLP 3500 CITY CENTER TOWER II 301 COMMERCE STREET FORT WORTH, TX 76102-4186				
			EXAMINER KUHN, ALLAN R	
			ART UNIT 1732	PAPER NUMBER

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,083

Applicant(s)

GOODSON ET AL.

Examiner

Allan Kuhns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 26-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 091703&102804.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1.Applicant's election without traverse of Group I, claims 1-25 in the reply filed on April 6, 2006 is acknowledged.

2.Claims 26-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 6, 2006.

3.Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The members of the Markush group are not mutually exclusive since high density polyethylene is a form of polyethylene. Clarification is required.

4.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.Claims 1-4, 10-17 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. (6,367,508) in view of Johnson et al. (5,452,749) and Vincent (5,303,743). Richards et al. disclose or suggest the basic claimed thread protector structure for tubular goods having threaded ends including a polymeric body having cylindrical wall portions defining an interior space therewithin and further having a transverse partition intermediate a first and second end of the interior space, wherein the cylindrical wall portions of the first end engage and enclose the threaded ends of the

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tubular goods. Richards et al. appear not to teach the inclusion of a weather O-ring seal in the thread protector structure, but such is taught by Johnson et al. at column 6, lines 46-55. It would have been obvious to one of ordinary skill in the art to incorporate such a seal in the structure disclosed by Richards et al. in order to isolate an area from the environment. Richards et al. also appear not to teach the aspect of providing a corrosion inhibiting compound impregnated into the polymeric body, but such is taught by Vincent at column 7, lines 20-22. It would have been obvious to one of ordinary skill in the art to incorporate this aspect taught by Vincent into the structure disclosed as prior art by Richards et al. in order to enhance the corrosion protection provided by the thread protector.

Richards et al. teach a material for forming the polymeric body, as in claim 2 at column 6, line 35, and the internal and external contact of claims 3, 4, 16 and 17. Johnson et al. teach the use of a sealant composition, as in claims 13-15. It is submitted that the corrosion inhibitor of Vincent must inherently meet the flash point limitation of claims 10 and 23 in order to be effective after molding. Vincent teaches or suggests an amount of inhibitor within the range of claims 11 and 24 and suggests the dispersal of claims 12 and 25.

6. Claims 5-9 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. in view of Johnson et al. and Vincent as applied to claims 1-4, 10-17 and 23-25 above, and further in view of Gazda et al. (4,928,761). Johnson et al. teach the ring structure of claims 5 and 18. In providing a ring sealing structure, Gazda et al. teach at column 12, lines 27-35, the inclusion of a C-ring which

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acts as a vent. It would have been obvious to one of ordinary skill in the art include such a structure as taught by Gazda et al. into the structure of the prior art relied upon in order to relieve pressure. It is submitted that the C-ring edges of wiper ring 276 of Gazda et al. provide a wiper blade structure, as in claims 6-8 and 19-21, and permit air flow, as in claims 9 and 22.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allan R. Kuhns
ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732
6-22-06